Applicants respectfully traverse the rejection of claims 1, 5, 7-11, 13-18 and 20-22 under 35 U.S.C. §102. The examiner contends that U.S. patent no. 7,002,976 (Dupont) anticipates them. It is respectfully submitted that the reasoning supplied by the examiner contains several errors and that Dupont does not, in fact, anticipate claims 1, 5, 7-11, 13-18 and 20-22.

Briefly, the examiner appears to contend that element 62 constitutes a "multiplexer" and that element 70 constitutes a "switch", and that element 62 multiplexes "data from the plurality of ports into a single synchronous payload envelope", citing a long passage from col. 11, line 25 to column 12, line 29 in support of the proposition.

As understood by applicants' representative, the specification of Dupont identifies element 62 as "SONET/SDH access equipment" and element 70 as "Ethernet equipment." See col. 11, lines 30 and 47. Dupont states that the purpose of the Ethernet equipment 70 is to multiplex multiple customers' local area networks (LANs) via a single Ethernet physical connection 72 to a physical Ethernet connection 66 on the SONET/SDH access equipment. Col. 11, lines 54-56. Thus, frames coming from several different ports on an Ethernet switch are multiplexed into a single port for transmission to the SONET/SDH access equipment.

Dupont further explains that the SONET/SDH equipment includes a plurality of multiple router port extensions (RPEs) 60, each of which establishes a separate virtual channel through ring 10 (FIG. 2) and the concentrator interface of CC 16 (FIG. 2), to sub-interface of backbone router 5 (FIG. 2). Col. 11, lines 31-34. Each virtual port 64 of an RPE is mapped to a corresponding customer port 68. Col. 22, lines 60-63. This establishes what Dupont calls a virtual channel between each customer and an RPE, as shown in FIG. 11, which in turn appears to be connected to a sub-interface on the backbone router 5 through a virtual channel on the optical ring 10. See col. 11, lines 31-33. The job of each RPE is to reformat packets coming from the sub-interface on the backbone router to a format used on the LAN, and similarly, to reformat packets flowing from the LAN to the backbone router. Col. 11, lines 33-39.

As has been previously explained, the claimed subject matter maps framed data from more than one port into serial data stream, which allows the same SPE to carry the data from different Ethernet ports. Although the prior art method teaches that this would result in a loss of

information about the source port, a unique identifier is inserted in each frame of framed data, thus gaining greater bandwidth efficiency as compared to the prior art approach of mapping each port to a separate SPE, without loss of information on the source port.

Regarding claim 1, if element 70 constitutes, as the examiner contends, the switch as called for in the claim, then it is not, as requires claim 1, "receiving framed data from a plurality of ports and switching the data to a plurality of ports." It is switching frames from multiple ports to a single port. Furthermore, applicants' representative can find no mention by Dupont of creating a single data stream to be carried by a single SPE. Virtual channels are in fact utilized for transport of data packets from the RPE's to the sub-interface of the backbone router. Therefore, for at least these reasons the examiner's reasoning is in error and Dupont cannot anticipate claim 1. Claims 5, 7 and 8 cannot be anticipated under the examiner's reasoning for at least these reasons.

Claim 9 requires multiplexing data from a plurality of ports into a single data stream for transmission by a synchronous transmission medium after adding a unique identifier to the header information in the frames of data from each port. However, applicants' representative can find no evidence in the passage cited by the examiner, namely column 11, line 25 to column 12, line 29, that suggests that the Ethernet switch 70 is handling the VLAN tagging. Indeed, each of the RPEs in the SONET/SDH access equipment is assigned a unique IP address, and each virtual port 68 associated with an RPE is addressable by a unique Ethernet MAC address. Col. 11, line 66 to col. 12, line 1. This suggests that the Ethernet switch 70 is instead switching all Ethernet traffic destined to any of the virtual ports through a single physical port on the switch based on the MAC address of the frames, or possibly the IP addresses of the RPE. VLAN tagging may actually be occurring at the RPE, prior to transmission on the loop 10. See col. 11, lines 60-61 ("The present invention adds a VLAN to the router port extension…") Furthermore, there is no mention of multiplexing into a single data stream for transmission on the synchronous transmission medium. Rather, it seems clear that different customer flows are maintained on different virtual channels between the Ethernet switch and separate RPEs in the SONET/SDH equipment, each of which then separately formats the packets for transmission along separate virtual channels on the optical loop 10, and ultimately to separate destinations (i.e. the different

sub-interfaces on the backbone router 5). The rejection of claims 10, 13, 14 and 15 is in error for at least these same reasons.

Regarding claim 11, in addition to the errors identified in the rejection of claim 9, it is submitted that there is no indication whatsoever in the cited passage that data from more than one of the Ethernet ports ends up on the same SPE. There is no mention of an SPE, much less how packets are being packed for transmission on loop 10. Indeed, the use of RPEs and transmission of packets from different RPEs on different virtual channels on loop 10 strongly suggest the opposite; namely, maintaining separation on the synchronous carrier of data flows from different customer LANs using conventional techniques.

The reasoning supporting the rejection of claims 17 and 19 appears to be the same given in support of claims 9 and 11, respectively. Therefore, it is submitted that they are in error for at least the same reasons.

In conclusion, it is submitted that the examiner has failed to establish a *prima facie* rejection under 35 U.S.C. §102 based on Dupont due at least to the errors identified above. Applicants' election not to address any particular characterization or reasoning in support of a grounds of rejection, including the examiner's interpretation of the application, claims and prior art references, should not be viewed as acquiescence or agreement with the characterization or reasoning. Only what appear to be the most salient errors have been addressed. Applicants reserve the opportunity to address all reasoning on appeal.

Reconsideration and allowance of the application is respectfully requested. Applicants hereby authorize the Commissioner to charge any fees due but not submitted with this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicants' Attorney for any reasons that would advance the current application to issue. Please reference Attorney Docket No. 131105-1006.

Respectfully submitted,
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Date: July 15, 2008

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